

## Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 H-02

PRS-01 CIAE-00 INR-07 NSAE-00 ACDA-07 OMB-01 TRSE-00

/057 W

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R 301050Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8208

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK AB

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 11298

FROM USDEL 167

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: MARR, PR

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: ARTICLE ON ADMISSION  
AND DEPARTURE OF U.S. PERSONNEL

1. THE FOLLOWING IS THE LEGAL WORKING GROUP AGREED AD  
REFERENDUM ARTICLE ON ADMISSION AND DEPARTURE OF U.S.  
PERSONNEL.

QUOTE ADMISSION AND DEPARTURE OF U.S. PERSONNEL

1. FOR ADMISSION INTO AND DEPARTURE FROM THE PHILIPPINES  
OF PERSONS AUTHORIZED TO USE THE FACILITIES, CLARK  
AIR BASE AND SUBIC NAVAL BASE ARE DESIGNATED LIMITED  
PORTS OF ADMISSION AND DEPARTURE.

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SUBJECT TO THE OTHER PROVISIONS OF THIS AGREEMENT,

THE FOLLOWING PERSONS MAY BE ADMITTED INTO AND MAY DEPART FROM THE PHILIPPINES THROUGH THE ABOVE LIMITED PORTS OF ADMISSION AND DEPARTURE:

(A) MEMBERS OF THE UNITED STATES ARMED FORCES, U.S. CIVILIAN PERSONNEL AND THEIR DEPENDENTS.

(B) UNITED STATES CONTRACTOR EMPLOYEES AND TECHNICAL PERSONNEL AUTHORIZED UNDER THIS AGREEMENT TO WORK ON THE FACILITIES, AND THEIR DEPENDENTS.

(C) UNITED STATES CONTRACTOR EMPLOYEES AND TECHNICAL PERSONNEL AND THEIR DEPENDENTS TRAVELING TO OR FROM THE PHILIPPINES ON LEAVE OR IN DIRECT TRANSIT TO ANOTHER PORT OF DESTINATION.

(D) CREW MEMBERS OF THIRD COUNTRY MILITARY AIR-CRAFT OR VESSELS WHICH HAVE BEEN GIVEN PRIOR CLEARANCE FOR ADMISSION BY APPROPRIATE PHILIPPINE AND U.S. AUTHORITIES.

(E) MEMBERS OF THE ARMED FORCES OF THIRD COUNTRIES WHEN PRIOR APPROVAL OF THEIR ADMISSION AND DEPARTURE HAS BEEN GIVEN BY THE PHILIPPINE BASE COMMANDER.

(F) UNITED STATES GOVERNMENT OFFICIALS COMING TO THE PHILIPPINES ON OFFICIAL BUSINESS OF A TEMPORARY NATURE.

(G) RETIRED MEMBERS OF THE UNITED STATES FORCES AND THEIR DEPENDENTS.

(H) OTHER PERSONS AS MAY BE AGREED UPON BY BOTH PARTIES.

3. FOR ADMISSION INTO AND DEPARTURE FROM THE ABOVE LIMITED PORTS OF ADMISSION AND DEPARTURE, THE FOLLOWING DOCUMENTATION SHALL BE REQUIRED:

(A) MEMBERS OF THE UNITED STATES ARMED FORCES SHALL POSSESS MILITARY IDENTIFICATION CARDS AND APPROPRIATE MILITARY ORDERS. UPON THEIR ARRIVAL, PHILIPPINE IMMIGRATION OFFICIALS SHALL STAMP ON THE MILITARY ORDER OR INDICATE ON AN APPROPRIATE IMMIGRATION FORM, STATUS AND LENGTH OF STAY AND THIS SHALL SERVE THE PURPOSE OF A VISA.

(B) UNITED STATES CIVILIAN EMPLOYEES STATIONED IN THE PHILIPPINE PURSUANT TO THIS AGREEMENT AND THEIR DEPENDENTS AND U.S. CIVILIAN EMPLOYEES COMING

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TO THE PHILIPPINES ON OFFICIAL BUSINESS OF A TEMPORARY NATURE IN CONNECTION WITH THE FACILITIES, AND DEPENDENTS OF MEMBERS OF THE UNITED STATES FORCES STATIONED IN THE PHILIPPINES SHALL POSSESS PASSPORTS AND ORDERS ISSUED BY THE APPROPRIATE MILITARY AUTHORITIES. SUCH PERSONS WILL, HOWEVER, OBTAIN VISAS AT THE LIMITED PORTS OF ADMISSION UPON ARRIVAL. IF PHILIPPINE AUTHORITIES DENY A VISA TO ANY SUCH PERSON BECAUSE

HE IS NOT ENTITLED TO ENTER THE PHILIPPINES UNDER  
PHILIPPINE IMMIGRATION LAW, THE U.S. AUTHORITIES  
RECOGNIZE THEIR OBLIGATION TO REMOVE SUCH PERSON  
UNDER PARA 5.

(C) ALL OTHER PERSONS SHALL NOT BE REQUIRED TO HAVE MORE  
DOCUMENTATION THAN IS NORMALLY REQUIRED FROM ALIENS  
AT REGULAR PORTS OF ADMISSION AND DEPARTURE OF THE  
PHILIPPINES.

(D) THE PHILIPPINES SHALL CONSULT WITH THE UNITED  
STATES IF CHARGES OR DOCUMENTATION OTHER THAN THOSE  
SPECIFIED IN THIS AGREEMENT WILL BE REQUIRED FOR  
ADMISSION INTO OR DEPARTURE FROM THE ABOVE LIMITED  
PORTS.

4. MEMBERS OF THE UNITED STATES ARMED FORCES AND  
UNITED STATES CIVILIAN PERSONNEL, CONTRACTOR EMPLOYEES  
AND THEIR DEPENDENTS SHALL NOT BE REQUIRED TO REGISTER  
AS RESIDENT ALIENS. THE UNITED STATES SHALL MAKE SUITABLE  
ARRANGEMENTS FOR THEIR READY IDENTIFICATION AND STATUS  
VERIFICATION BY PHILIPPINE AUTHORITIES WHENEVER NECESSARY.

5. IF THE PHILIPPINE REQUESTS THE REMOVAL OF ANY  
PERSON WHO IS IN THE PHILIPPINES BECAUSE OF THIS AGREEMENT,  
INCLUDING ANY PERSON WHO MAY HAVE BEEN ADMITTED THROUGH  
THE ABOVE MENTIONED LIMITED PORTS OF ADMISSION AND  
DEPARTURE, THE UNITED STATES SHALL PROVIDE TRANSPORTATION  
FROM THE PHILIPPINES FOR SUCH PERSON AND HIS DEPENDENTS  
AND ASSUME RESPONSIBILITY FOR THEIR DEPARTURE.

6. IF THE STATUS OF ANY PERSON ADMITTED TO THE  
PHILIPPINES PURSUANT TO THIS AGREEMENT IS ALTERED, THE  
UNITED STATES SHALL NOTIFY THE PHILIPPINES SO THAT A  
CHANGE IN STATUS MAY BE EFFECTED. THE UNITED STATES  
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SHALL PROVIDE TRANSPORTATION FROM THE PHILIPPINES AND  
ASSUME RESPONSIBILITY FOR THE DEPARTURE OF ANY PERSON  
WHOSE STATUS UNDER THIS AGREEMENT IS SO ALTERED OR  
TERMINATED AND WHO, UPON FIRST APPLICATION, IS DENIED  
PERMISSION TO REMAIN IN THE PHILIPPINES AND SHALL,  
PENDING SUCH DEPARTURE, PREVENT HIS BECOMING A PUBLIC  
RESPONSIBILITY OF THE PHILIPPINES.

UNQUOTE.

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PRS-01 CIAE-00 INR-07 NSAE-00 ACDA-07 OMB-01 TRSE-00

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R 301050Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8209

INFO SECDEF WASHDC

JCS WASHDC

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CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK AB

C O N F I D E N T I A L SECTION 2 OF 2 MANILA 11298

FROM USDEL 167

CINCPAC ALSO FOR POLAD

2. AN EXCHANGE OF NOTES CONCERNING ENTRY AND EXIT  
THROUGH REGULAR PORTS OF ENTRY AND DEPARTURE WILL BE  
EXCHANGED SIMULTANEOUSLY WITH THE SIGNING OF THE  
AGREEMENT. THE FOLLOWING IS THE AGREED NOTE:

QUOTE EXCHANGE OF NOTES

THE EMBASSY OF THE UNITED STATES OF AMERICAN PRE-  
SENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN  
AFNSIRS OF THE REPUBLIC OF THE PHILIPPINES AND HAS  
THE HONOR TO REFER TO ARTICLE-----OF THE US/RP  
MILITARY FACILITIES AGREEMENT CONCERNING THE ADMISSION  
AND DEPARTURE OF INDIVIDUALS AT THE DESIGNAZCD LIMITED  
PORTS OF ADMISSION AT CLARK AIR BASE AND SUBIC NAVAL  
BASE.

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THE EMBASSY UNDERSTAND THAT IT IS AGREED THAT THE PERSONS SPECIFIED IN ARTICLE-----OF THE U/RP MILITARY FACILITIES AGREEMENT MAY ALSO BE ADMITTED AND MAY DEPART THROUGH THE REGULAR PORTS OF ADMISSION AND DEPARTURE OF THE PHILIPPINES AND THAT, FOR SUCH ADMISSION AND DEPARTURE, MEMBERS OF THE UNITED STATES ARMED FORCES SHALL HAVE THE DOCUMENTATION SPECIFIED IN ARTICLE ----- PARA 3A.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT OF THE PHILIPPINES, THE EMBASSY PROPOSES THAT THIS NOTE AND THE REPLY OF THE DEPARTMENT TO THAT EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS, EFFECTIVE ON THE DATE OF THE DEPARTMENT'S REPLY.

THE EMBASSY AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF FOREIGN AFFAIRS THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

END OF EXCHANGE OF NOTES UNQUOTE

3. COMMENT: THE ABOVE ARTICLE IS CONDITIONED UPON THE STATIONING OF PHIL IMMIGRATION OFFICIALS AT THE FACILITIES. RP REPS INITIALLY DID NOT WANT TO LIST THE CLASSES OF PERSONS THAT COULD ENTER AND DEPART THROUGH THE LIMITED PORTS OF ENTRY OR MAKE EXCEPTION TO REGULAR DOCUMENTATION. THEY PERCEIVED THAT THE DESIGNATION OF SUBIC AND CLARK AS LIMITED PORTS OF ENTR ADEQUATELY COVERED SUCH, AS THE NORMAL IMMIGRATION RULES WOULD BE APPLIED. AFTER LENGTHY EXPLANATION BY US REPS IN WORKING GROUP SESSIONS OVER THE LAST FEW WEEKS OF THE NEED TO DEFINE THE CLASSES WHO COULD UTILIZE THE LIMITED PORTS AND THE PRACTICAL AND ADMINISTRATIVE PROBLEMS INVOLVED IN REQUIRING REGULAR TRAVEL DOCUMENTS FOR ALL US PERSONNEL, THE RP REPS AGREED TO RECONSIDER US PROPOSALS. AS A RESULT, AGREEMENT WAS REACHED THAT ALL US MILITARY PERSONNEL WHATEVER STATIONED, TDY, OR ON LEAVE COULD ENTER AND DEPART WITH ONLY ID AND MILITARY ORDERS. HOWEVER, RP REPS SAW THE NEED TO INDICATE AT THE TIME OF ARRIVAL, THE STATUS AND LENGTH OF STAY OF SUCH PERSONNEL. US REPS CAN SEE NO DIFFICULTY IN THIS ADMINISTRATIVE ACTION, ALTHOUGH SPECIFYING IT IN AN INTERNATIONAL AGREEMENT SEEMS SOMEWHAT UNNECESSARY. RP REPS DEEMED SUCH CLAUSE AS A NECESSARY PART OF AGREEMENT  
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TO ANY EXCEPTIONS TO THE NORMAL TRAVEL DOCUMENT REQUIREMENT FOR US MILITARY PERSONNEL.

4. RP REPS ALSO AGREE TO ALLOW VISAS TO BE ISSUED AT TIME OF ARRIVAL AT LIMITED PORTS OF ENTRY FOR U.S. CIVILIAN PERSONNEL STATIONED IN THE PHILIPPINES AND THEIR DEPENDENTS AND DEPENDENTS OF US MILITARY STATIONED IN THE PHILIPPINES

ALONG WITH CIVILIAN PERSONNEL TDY TO THE PHILIPPINES. HOWEVER, THE RP REPS INSISTED THAT A CLAUSE BE CONTAINED SPECIFICALLY STATING THEY COULD DENY VISAS AT TIME OF ARRIVAL TO INDIVIDUALS EXCLUDED FROM ENTERING THE PHILIPPINES UNDER THEIR IMMIGRATION LAW. U.S. REPS ATTEMPTED TO DISSUADE THEM OF THE NEED FOR SUCH A CLAUSE (LAST SENTENCE OF PARA 3B) AS SUCH AUTHORITY IS CERTAINLY IMPLIED. RP REPS STATED THAT THE WORDS IN THE FIRST SENTENCE OF PARA 3B COULD BE INTERPRETED AS DENYING THEM OF THIS DISCRETION TO DENY A VISA AND WOULD NOT AGREE TO THE VISA ARRIVAL PROVISION WITHOUT SUCH CAVEAT.

5. RE PARA 3D; THE RP REPS WOULD NOT AGREE TO A GENERAL CLAUSE STATING NO OTHER CHARGES OR DOCUMENTATION, NOT SPECIFIED IN THIS AGREEMENT, WOULD BE ASSESSED OR REQUIRED. THEY POINTED OUT THAT NO CHARGES WERE SPECIFIED IN THE AGREEMENT AND BOTH PANELS AGREED THAT WHATEVER LANGUAGE WAS DEVELOPED IN ARTICLE ON EXCEPTION FROM REVENUE PRODUCING CHARGES AND OTHER ARTICLES IN THE AGREEMENT MAY AFFECT THIS PARTICULAR AREA. RP REPS FINALLY AGREED TO A CONSULTATIONS CLAUSE CONCERNING ANY CHARGES OR DOCUMENTATION NOT PROVIDED FOR IN THE AGREEMENT. US REPS DEEMED THIS LANGUAGE AS THE BEST THAT CAN BE OBTAINED AT THIS TIME.

6. DUE TO LIMITED PORT OF ENTRY CONCEPT, IT WAS DEEMED NECESSARY BY US REPS TO INSURE THAT REGULAR PORT OF ENTRY AND DEPARTURE COULD ALSO BE UTILIZED. WE ATTEMPTED TO GET SAME DOCUMENTATION EXCEPTIONS AT SUCH PORTS, BUT RP REPS INDICATED THEY WERE NOT ADMINISTRATIVELY ABLE TO COMPLY WITH ISSUING VISAS AT REGULAR PORTS UPON ARRIVAL. THEY WERE WILLING TO EXTEND ID AND TRAVEL ORDERS REQUIREMENT TO ALL U.S. FORCES PERSONNEL AT REGULAR PORTS. HOWEVER, RP REPS DESIRE TO STATE SUCH IN DIPLOMATIC NOTES TO BE CONFIDENTIAL

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EXCHANGED SIMULTANEOUSLY WITH THE SIGNING OF THIS AGREEMENT, AS THEY FELT THAT SUCH AS NOT DIRECTLY CONCERNED WITH THE FACILITIES AND DID NOT WANT TO CONTAIN THIS PROVISION IN THE AGREEMENT ITSELF.

7. IT WAS UNDERSTOOD BY BOTH PHIL AND US WORKING GROUP MEMBERS THAT SOME ADJUSTMENT IN TERMINOLOGY MAY BE NECESSARY IN THE IDENTIFICATION OF THE VARIOUS AFFECTED GROUPS IN THE INTEREST OF CONSISTENCY THROUGHOUT THE AGREEMENT AND IN CONFORMANCE WITH THE DEFINITIONS ARTICLE.

8. ACTION REQUESTED: APPROVAL OF ABOVE ARTICLE AND EXCHANGE OF NOTES ASAP.  
SULLIVAN

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## Message Attributes

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